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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FRANCIE E. MOELLER, et al.,

Plaintiffs,

v.

TACO BELL CORP.

Defendant.

CASE NO. C 02 5849 MJJ ADR

**JOINT STIPULATION RE:  
MODIFICATION OF CUT-OFF DATES  
AND [PROPOSED] ORDER**

DATE: February 14, 2006

TIME: 2:00 p.m.

CTRM: 11

JUDGE: Hon. Martin J. Jenkins

1        This stipulation is entered into by and among the parties hereto, Plaintiffs Francie Moeller,  
 2 Edward Muegge, Katherine Corbett, and Craig Yates on behalf of a class of similarly situated  
 3 individuals (collectively, "Plaintiffs") and Defendant Taco Bell Corp. ("Taco Bell"), through their  
 4 respectively undersigned attorneys, with reference to the following facts:

5        WHEREAS, the parties, having conferred following the case management conference conducted  
 6 on February 14, 2006 as requested by the Court,

7        IT IS THEREFORE STIPULATED AND AGREED, by and among the undersigned parties,  
 8 through their counsel of record, that the Court modify the pre-trial schedule to reflect the following new  
 9 cut-off dates:

Task	Deadline
11        Taco Bell Corp. shall provide a letter to plaintiffs responding to plaintiffs' 12        proposal for an agreement concerning tolerances submitted to Taco Bell 13        Corp.	February 24, 2006
14        Taco Bell Corp. shall provide a letter to plaintiffs providing a general 15        description of the types of measurements or methodology Taco Bell Corp. 16        is questioning with respect to the Special Master's Interim Survey 17        Reports.	February 24, 2006
18        Plaintiffs shall provide meet and confer charts that shall clearly articulate 19        or specify via a separate column or otherwise the injunctive relief that 20        plaintiffs seek at each of Taco Bell's company-owned facilities 21        constructed prior to January 26, 1993 and, without waiving other 22        arguments that may support such relief, the barriers that Plaintiffs assert 23        would be "readily achievable" to remove. Plaintiffs shall not satisfy their 24        duty merely by reciting applicable rules, regulations, standards or other 25        applicable authority, but rather by providing a description of the work 26        desired. To the extent possible, plaintiffs shall incorporate into such 27        charts any and all agreements reached as to tolerances and other	March 15, 2006

1	agreements reached between the parties involving former defense counsel,	
2	the Skadden Arps firm. Taco Bell will entertain a reasonable request for	
3	an extension of time, if necessary.	
4	Taco Bell Corp. shall provide responses to plaintiffs' meet and confer	45 days after receipt of
5	charts regarding facilities constructed prior to January 26, 1993. Taco	plaintiffs' last or final
6	Bell's responses shall clearly articulate, for each item: whether or not it	chart regarding facilities
7	agrees that the item is out of compliance; for any item it contends to be in	constructed prior to
8	compliance, all grounds for such contention, including all defenses it	January 26, 1993
9	alleges apply to the item; and whether or not it intends to remedy the item.	
10	Defendant shall not satisfy its duty merely by stating whether or not it will	
11	remedy the item. Plaintiffs will entertain a reasonable request for	
12	extension of time, if necessary.	
13	Taco Bell Corp. shall provide a comprehensive list of errors within the	45 days after receipt of
14	Special Master's Interim Survey Reports regarding facilities constructed	plaintiffs' last or final
15	prior to January 26, 1993, and for each alleged error, shall explain all	chart regarding facilities
16	grounds for its assertion.	constructed prior to
17		January 26, 1993
18	Plaintiffs shall provide meet and confer charts for Taco Bell restaurants	April 15, 2006
19	built after January 26, 1993, such charts to include injunctive relief	
20	requested by Plaintiffs.	
21	Case Management Conference re: Meet and Confer	May 18, 2006 at 2:00
22		p.m.
23	Taco Bell Corp. shall provide responses to plaintiffs' meet and confer	45 days after receipt of
24	charts for Taco Bell restaurants built after January 26, 1993. Taco Bell's	plaintiffs' last or final
25	responses shall clearly articulate, for each item: whether or not it agrees	chart regarding Taco
26	that the item is out of compliance; for any item it contends to be in	Bell restaurants built
27	compliance, all grounds for such contention, including all defenses it	after January 26, 1993

1	alleges apply to the item; and whether or not it intends to remedy the item.	or June 10, 2006,
2	Defendant shall not satisfy its duty merely by stating whether or not it will	whichever date is later
3	remedy the item.	
4	Taco Bell Corp. shall provide a comprehensive list of errors within the	45 days after receipt of
5	Special Master's Interim Survey Reports for Taco Bell restaurants built	plaintiffs' last or final
6	after January 26, 1993, and for each alleged error, shall explain all	chart regarding Taco
7	grounds for its assertion.	Bell restaurants built
8		after January 26, 1993
9		or June 10, 2006,
10		whichever date is later
11	Deadline to file motion for leave to join third parties	August 10, 2006
12	Fact discovery cutoff	September 15, 2006
13	Expert disclosures	October 15, 2006
14	Rebuttal expert disclosures	November 15, 2006
15	Expert discovery cutoff	January 15, 2007
16	Dispositive motion deadline	March 28, 2007

17 RESPECTFULLY SUBMITTED,

18 FOX & ROBERTSON, P.C.

19 DATED: February 17, 2006

BY: /s/ Timothy P. Fox  
20 Timothy P. Fox

21 Counsel for Plaintiffs Francie Moeller, Edward  
22 Muegge, Katherine Corbett and Craig Thomas Yates

23 GREENBERG TRAURIG, LLP

24 DATED: February 17, 2006

BY: /S/  
25 Gregory F. Hurley

26 Counsel for Defendant Taco Bell Corp.

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ORDER

Pursuant to the parties' stipulation, IT IS ORDERED that:

Task	Deadline
Taco Bell Corp. shall provide a letter to plaintiffs responding to plaintiffs' proposal for an agreement concerning tolerances submitted to Taco Bell Corp.	February 24, 2006
Taco Bell Corp. shall provide a letter to plaintiffs providing a general description of the types of measurements or methodology Taco Bell Corp. is questioning with respect to the Special Master's Interim Survey Reports.	February 24, 2006
Plaintiffs shall provide meet and confer charts that shall clearly articulate or specify via a separate column or otherwise the injunctive relief that plaintiffs seek at each of Taco Bell's company-owned facilities constructed prior to January 26, 1993 and, without waiving other arguments that may support such relief, the barriers that Plaintiffs assert would be "readily achievable" to remove. Plaintiffs shall not satisfy their duty merely by reciting applicable rules, regulations, standards or other applicable authority, but rather by providing a description of the work desired. To the extent possible, plaintiffs shall incorporate into such charts any and all agreements reached as to tolerances and other agreements reached between the parties involving former defense counsel, the Skadden Arps firm. Taco Bell will entertain a reasonable request for an extension of time, if necessary.	March 15, 2006
Taco Bell Corp. shall provide responses to plaintiffs' meet and confer charts regarding facilities constructed prior to January 26, 1993. Taco Bell's responses shall clearly articulate, for each item: whether or not it	45 days after receipt of plaintiffs' last or final chart regarding facilities

1	agrees that the item is out of compliance; for any item it contends to be in 2 compliance, all grounds for such contention, including all defenses it 3 alleges apply to the item; and whether or not it intends to remedy the item. 4 Defendant shall not satisfy its duty merely by stating whether or not it will 5 remedy the item. Plaintiffs will entertain a reasonable request for 6 extension of time, if necessary.	constructed prior to January 26, 1993
7	Taco Bell Corp. shall provide a comprehensive list of errors within the 8 Special Master's Interim Survey Reports regarding facilities constructed 9 prior to January 26, 1993 and for each alleged error, shall explain all 10 grounds for its assertion.	45 days after receipt of plaintiffs' last or final chart regarding facilities constructed prior to January 26, 1993
11	Plaintiffs shall provide meet and confer charts for Taco Bell restaurants 12 built after January 26, 1993, such charts to include injunctive relief 13 requested by Plaintiffs.	April 15, 2006
14	Case Management Conference re: Meet and Confer	May 18, 2006 at 2:00 p.m.
15	Taco Bell Corp. shall provide responses to plaintiffs' meet and confer 16 charts for Taco Bell restaurants built after January 26, 1993. Taco Bell's 17 responses shall clearly articulate, for each item: whether or not it agrees 18 that the item is out of compliance; for any item it contends to be in 19 compliance, all grounds for such contention, including all defenses it 20 alleges apply to the item; and whether or not it intends to remedy the item. 21 Defendant shall not satisfy its duty merely by stating whether or not it will 22 remedy the item.	45 days after receipt of plaintiffs' last or final chart regarding Taco Bell restaurants built after January 26, 1993 or June 10, 2006, whichever date is later
23	Taco Bell Corp. shall provide a comprehensive list of errors within the 24 Special Master's Interim Survey Reports for Taco Bell restaurants built 25 after January 26, 1993, and for each alleged error, shall explain all	45 days after receipt of plaintiffs' last or final chart regarding Taco Bell
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1	grounds for its assertion.	restaurants built after
2		January 26, 1993 or June
3		10, 2006, whichever date
4		is later
5	Deadline to file motion for leave to join third parties	August 10, 2006
6	Fact discovery cutoff	September 15, 2006
7	Expert disclosures	October 15, 2006
8	Rebuttal expert disclosures	November 15, 2006
9	Expert discovery cutoff	January 15, 2007
10	Dispositive motion deadline	March 28, 2007

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13 Dated: 2/23/2006



14 Honorable Martin J. Jenkins  
15 United States District Court  
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